

1 TONY WEST
2 Assistant Attorney General

3 MELINDA HAAG (CABN 132612)
4 United States Attorney
5 JOANN M. SWANSON (CABN 88143)
6 Chief, Civil Division
7 JULIE A. ARBUCKLE (CABN 193425)
8 MELANIE L. PROCTOR (CABN 228971)
Assistant United States Attorneys
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7102
Facsimile: (415) 436-6748
e-mail: julie.arbuckle@usdoj.gov

9 JOYCE R. BRANDA
10 RENEE BROOKER
11 ALAN GALE
12 U.S. Department of Justice
13 P.O. Box 261
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6296
e-mail: alan.gale@usdoj.gov

14 Attorneys for the United States of America

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION
18

19 UNITED STATES *ex rel.* BONNIE LAMMERS,
20 M.D.,

21 Plaintiff and Relator,

22 v.

23 MICHAEL HEBRARD, M.D.; RICHARD
24 LAVIGNA, D.P.M., FARIDEH HEIDAPOUR;
25 ALI HEIDAPOUR; ADVANCED PHYSICAL
26 MEDICINE & REHAB GROUP, INC.;
27 ADVANCED OCCUPATIONAL
REHABILITATION, INC.; ADVANCED
MEDICINE AND REHABILITATION OF
TEXAS, INC.; ADVANCED MEDICINE AND
REHABILITATION OF TEXAS, P.A.; and
A.B.C. BILLING, INC.

28 Defendants.

No. CV 08-3411 WHA

UNITED STATES' NOTICE OF
ELECTION TO INTERVENE;
~~PROPOSED~~ ORDER

FILED UNDER SEAL

FILED

NOV 01 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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WSN

1 1. Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), the United States
2 notifies the Court that it hereby intervenes in this action against Defendants Michael Hebrard,
3 M.D., Richard Lavigna, D.P.M., Farideh Heidarpour, Ali Heidarpour, Advanced Physical
4 Medicine & Rehab Group, Inc., Advanced Occupational Rehabilitation, Inc., Advanced Medicine
5 and Rehabilitation of Texas, Inc., and Advanced Medicine and Rehabilitation of Texas, P.A. The
6 United States also hereby adds A.B.C. Billing, Inc. as a Defendant in this action, and will include
7 A.B.C. Billing, Inc. and the United States' claims against A.B.C. Billing, Inc. in the Complaint
8 the United States intends to file pursuant to Paragraph 4 below.

9 2. This case is currently under seal through today, October 31, 2011, pursuant to the
10 False Claims Act and order of this Court.

11 3. The United States requests that the following be unsealed: (a) the Complaint filed by
12 Relator Bonnie Lammers, M.D., on July 15, 2008; (b) this notice of intervention and
13 accompanying order; and (c) all future filings in this case. All other contents of the Court's file
14 in this matter (including, but not limited to, any applications filed by the United States for an
15 extension of the sixty-day investigative period or for any other reason) should remain under seal
16 and not be made public or served upon Defendants.

17 4. The United States intends to file a motion or stipulation requesting to stay this action
18 until conclusion of the related criminal case pending in the Western District of Oklahoma, Case
19 No. CR 11-109 M, which is currently set for trial in May 2012. Unless this action is stayed, the
20 United States also intends to file its own Complaint and serve it within 120 days (by February 28,
21 2012), as provided in Fed. R. Civ. P. 4.

22 5. We request that the initial case management conference be set at least two months
23 after February 28, 2012, so that prior to the conference, the parties have adequate time to confer
24 regarding any Complaint the United States has filed, scheduling, motions, discovery, and other

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case management issues.

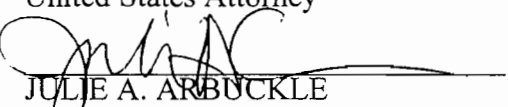
Respectfully submitted,

TONY WEST
Assistant Attorney General

Dated: October 31, 2011

MELINDA HAAG
United States Attorney

By:


JULIE A. ARBUCKLE
Assistant United States Attorney
Attorneys for the United States

[PROPOSED] ORDER

Having considered the United States' Notice of Election to Intervene, IT IS HEREBY ORDERED that:

1. All current contents of the Court's file in this action shall remain under seal and not be made public or served upon the Defendants, except for the Complaint, this Order, and the accompanying United States' Notice of Election to Intervene, which are hereby unsealed.

2. The seal is lifted as to all matters occurring in this action after the date of this Order.

3. The United States shall promptly serve Defendants with a copy of this Order and the United States' Notice of Election to Intervene, and unless this action is stayed, shall serve Defendants with the United States' Complaint by February 28, 2012, in accordance with Fed.R.Civ.P. 4.

4. The November 17, 2011 case management conference shall be rescheduled to May 10, 2012 at 11:00 a.m.

IT IS SO ORDERED.

Dated: November 1, 2011.


HONORABLE WILLIAM N. ALSUP
United States District Judge